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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
AUS920020207US1

In re Application of: RAVI K. ARIMILLI AND RANDALL CRAIG SWANBERG

Application No.: 10/755,877

Filed: JANUARY 13, 2004

For: METHOD AND DATA PROCESSING SYSTEM OPTIMIZING PERFORMANCE THROUGH REPORTING OF THREAD-LEVEL  
HARDWARE RESOURCE UTILIZATION

The owner\*, International Business Machines Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/755,878, filed on 01/13/2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 40,796

  
Signature

MAY 5, 2008

Date

BRIAN F. RUSSELL

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(512) 343-6116

Telephone Number

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